

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

D.J.,

Plaintiff,

v.

WALNUT CREEK SCHOOL DISTRICT,  
et al.,

Defendants.

Case No. 24-cv-02660-LJC

**ORDER REGARDING SERVICE ON  
AMY ESPINOZA**

Plaintiff D.J.’s First Amended Complaint (FAC, ECF No. 59) adds Amy Espinoza, a current or former employee of Defendant Walnut Creek School District (the District), as a defendant. FAC ¶ 4. Summons does not appear to have been proposed or issued as to Espinoza, and there is no indication in the docket that she has been served. The District asserts in its pending Motion to Dismiss that, as far as the District is aware, “there has been no attempt to serve Ms. Espinoza.” ECF No. 63 at 7 n.1.

This Court cannot resolve a dispositive motion like the District’s pending Motion to Dismiss without consent from all named parties, including unserved parties. 28 U.S.C. § 636(c); *see generally Williams v. King*, 875 F.3d 500 (9th Cir. 2017). D.J. and the District<sup>1</sup> are ORDERED to file a joint status report no later than April 4, 2025 indicating: (1) whether Espinoza has been served; (2) if not, when Plaintiff expects to serve Espinoza; and (3) whether counsel for the District represents or intends to represent Espinoza, and if so, whether counsel is willing to accept service on her behalf.

The Court intends to set a deadline for Espinoza’s consent or declination under § 636(c)

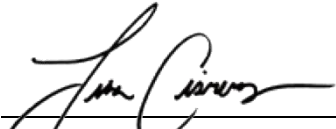
---

<sup>1</sup> Espinoza may also join in this status report, but as a party who has not yet appeared, she is not required to do so.

after she is served and appears. Depending on when that issue is resolved, the Court may continue the hearing currently set for April 15, 2025.

**IT IS SO ORDERED.**

Dated: March 31, 2025



---

LISA J. CISNEROS  
United States Magistrate Judge

United States District Court  
Northern District of California